

**Posted – August 14, 2013**

**REGULAR MEETING AUGUST 19, 2013**

## **TOWN COUNCIL OF THE TOWN OF MIDDLETOWN, RHODE ISLAND**

**The following items of business, having been filed with the Town Clerk under the Rules of the Council, will come before the Council at a regular meeting to be held on Monday, August 19, 2013 at 7:00 P.M. at the Middletown Town Hall, 350 East Main Road, Middletown, Rhode Island. All items on this agenda, with the exception of the Public Forum Session, may be considered, discussed and voted upon.**

**Any person not a member of the Council, desiring to address the Council concerning a matter on the docket of the Council, not the subject of a Public Hearing, shall submit a written request to the Town Clerk stating the matter upon which he desires to speak. Persons are permitted to address the Council for a period not to exceed five (5) minutes.**

## **PLEDGE OF ALLEGIANCE TO THE FLAG**

## **RECONSIDERATION**

**The Middletown Town Council follows the codification of present-day general parliamentary law as articulated in Robert's Rules of Order Newly Revised 10th edition (2000), together with whatever rules of**

**order the Council has adopted for its own governance. The motion to reconsider is one of the motions that can bring a question again before an assembly, and is designed to bring back for further consideration a motion which has already been voted on:**

**If, in the same session that a motion has been voted on, but no later than the same day or the next day on which a business meeting is held, new information or a changed situation makes it appear that a different result might reflect the true will of the assembly, a member who voted with the prevailing side can, by moving to Reconsider [RONR (10th ed.), p. 304-321] the vote, propose that the question shall come before the assembly again as if it had not previously been considered. (From Robert's Rules of Order Newly Revised In Brief, Robert, Evans et al., De Capo Press, 2004)**

## **PUBLIC FORUM SESSION**

**1. Pursuant to Rule 23 of the Rules of the Council, Citizens may address the town on one (1) subject only, said subject of substantive Town business, neither discussed during the regular meeting nor related to personnel or job performance. Citizens may speak for no longer than five (5) minutes and must submit a public participation form to the Council Clerk prior to the start of the meeting. All items discussed during this session will not be voted upon.**

## **CONSENT**

- 2. Approval of Minutes, re: Regular Meeting, July 15, 2013.**
- 3. Memorandum of Town Administrator, re: Update on Resolution Requesting Support from Local Legislative Delegation.**
- 4. Memorandum of Finance Director, thru Town Administrator, re: Municipal Financial Report – Quarter/Fiscal year ending June 30, 2013 – Town of Middletown.**
- 5. Communication of Susan E. Erstling, Ph.D., LICSW, Board Chair, Lucy's Hearth, re: Appreciation for Civic Appropriation.**
- 6. Communication of J. Clement Cicilline, M.S. President & CEO, Newport County Community Mental Health Center, re: Appreciation for Civic Appropriation.**
- 7. Communication of Robert A. Shawver, P.E., Administrator, Planning & Finance Division, Rhode Island Department of Transportation, re: 2014 Local Roads Program Funding Not Available.**
- 8. Communication of David H. Stearrett, CFM, Chief, Floodplain Management Branch, Federal Insurance and Mitigation**

**Administration, re: Reminder that the Town of Middletown has until September 4, 2103 to adopt the Floodplain Management ordinance.**

**9. Resolution of Town of Charlestown, re: Support of Municipal Road and Bridge Revolving Fund.**

**10. Communication of John J. Lombardi, Esquire, on behalf of Robert Lopes, with enclosure, re: Notice of Injury and Demand for Satisfaction Pursuant to RIGL 45-15-5.**

**11. Communication of Beth Larcom and Carmela Geer, re: Request for support – Middletown Safety Town. (Approved by Town Administrator, due to timing of the event- support was level funded from last year)**

**12. Applications received from the following named persons, firms and corporations for Special Event Permits. (See Attached List)**

## **PERMIT**

**13. Application for Special Event Permit received from Middletown Historical Society, Running of the Windmill, Paradise Park, Sunday, September 8, 2013 from 12:00 Noon to 4:00 pm.**

## **PUBLIC HEARINGS**

**14. Public Hearing (Advertised)**

**Public Hearing Remains Open.**

**An Ordinance of the Town of Middletown (Second Reading)**

**An Ordinance in amendment to the Town Code of the Town of Middletown, Chapter 152 Zoning Code, Article 10 – Flood Hazard Areas.**

**(Planning Board recommendation attached)**

## **15. Public Hearing (Advertised)**

**Public Hearing Remains Open.**

**An Ordinance of the Town of Middletown (Second Reading)**

**An Ordinance in amendment to the Town Code of the Town of Middletown, Chapter 152 Zoning Code, Article 3 Administration, Enforcement and Procedures, Section 304 Technical Review Committee, Section 305 Development Plan Review (DPR), Section 306 Uses Subject To and Exempt From Development Plan Review, Section 307 Development Plan Review For Uses Permitted by Right, Section 308 Development Plan Review for Use Requiring A Variance or Special Use Permit, Section 309 Required Guidelines, Findings and Improvements and Section 310 Development Impact Review.**

**(Planning Board recommendation attached)**

## **ORDINANCE**

### **16. An Ordinance of the Town of Middletown (Second Reading)**

**An Ordinance in Amendment to the Town Code of the Town of Middletown, Title VII Traffic Code. (Purgatory Road at Crescent**

**Street and Ellery Avenue)**

## **COUNCIL COMMUNICATIONS**

**17. At the Request of Councillor Rodrigues and Vice President Sylvia, Resolution of the Council, re: Support for the concept of bringing the Retired Aircraft Carrier USS John F. Kennedy to Newport County.**

**18. Memorandum of Councillor Adams, re: Four Corners Cemetery Clean-Up and Maintenance.**

## **TOWN ADMINISTRATOR COMMUNICATIONS**

**19. Memorandum of Town Planner, thru Town Administrator, re: CDBG-Disaster Recovery (Hurricane Sandy) Application.**

**20. Resolution of the Council, re: Approval of filing of the CDBG-Disaster Recovery Application and Authorizing Town Administrator to file said application and execute agreement.**

**21. Memorandum of Finance Director, thru Town Administrator, with enclosures, re: Town Pension Plan (John Hancock) Amendments #29 and #30.**

**22. Resolution of the Council, re: Approving Amendment #29 and**

**Amendment #30 to the Plan and Article I of the Group annuity Contract.**

## **APPOINTMENTS TO BOARDS & COMMITTEES**

**23. Appointment of one (1) regular member to the Zoning Board of Review to complete a term expiring April 2014.**

**24. Appointment of one (1) member to the Middletown Prevention Coalition (Healthcare Sector) to complete a term expiring March 2014.**

**25. Appointment of one (1) member to the Middletown Conservation Commission for a term expiring July 2016.**

**26. Appointment of three (3) members to the Stormwater Management Steering Committee for indefinite terms.**

**Wendy J.W. Marshall, CMC**

**Town Clerk**

**This meeting location is accessible to the handicapped. Individuals**

**requiring interpreter services for the hearing impaired should notify the Town Clerk's Office not less than 48 hours before this meeting.**